



## IN THE SUPREME COURT OF SWAZILAND

### JUDGMENT

Civil Appeal Case No: 56/2012

In the appeal between:

**MOSES LANGWENYA**

**Appellant**

and

**ANDREAS PHILILE SIHLONGONYANE**

**1<sup>ST</sup> Respondent**

**JUSTICE M.C.B. MAPHALALA NO**

**2<sup>ND</sup> Respondent**

**ATTORNEY GENERAL**

**3<sup>RD</sup> Respondent**

**Coram:**           **A.M. EBRAHIM JA**  
                          **DR. S. TWUM JA**  
                          **E.A. OTA JA**

**Heard:**           **14TH NOVEMBER 2012**

**Delivered:**      **14<sup>TH</sup> NOVEMBER 2012**

**Summary:**      *Ex tempore* reasons for striking the matter off the roll with costs.

**EBRAHIM JA:**

- [1] Judgment handed down in this matter by judge a quo on 14 day of July 2011.
- [2] No Notice of Appeal lodged although on 29<sup>th</sup> October 2012 Application for condonation for an appeal to be heard lodged 14 months later.
- [3] On 6 August 2012 filed Application for Review.
- [4] Not clear what he is seeking i.e. Appeal or Review.
- [5] On either basis he must fail.
  - This Court has no power to review a decision of the High Court see section 148 of Constitution;
  - The appeal in any event is now out of time.

See Rule 8, The Court of Appeal Rules 1971

Notice of Appeal has to be filed within four weeks of the date of judgment.

See also Rule 9

Which requires an Application for leave to appeal to be filed within six weeks of the date of judgment.

- [6] The record is incomplete.
  - 1. No transcription of oral evidence led;
  - 2. Record not certified by Registrar as required by Rule 30;
  - 3. Evidence of inspection *in loco* not contained in record.

[7] Appeal, Review, Application replete with short comings.

[8] Appeal struck off with costs.

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A.M. EBRAHIM  
JUSTICE OF APPEAL

**FOR APPELLANT : In person**

**FOR RESPONDENT : O. Nzima**